

**NOTICE OF A WORK SESSION WITH STAFF,
AND A REGULAR MEETING OF
THE VINEYARD TOWN COUNCIL
March 25, 2015 at 6:00 pm**

Public Notice is hereby given that the Vineyard Town Council will hold a Work Session with Staff starting at 6:00 pm (Council is not required to attend), and a Regular Meeting starting at 7:00 pm, on Wednesday, March 25, 2015, in the Vineyard Town Hall; 240 East Gammon Road, Vineyard, Utah. The agenda will consist of the following:

AGENDA

6:00 PM WORK SESSION WITH STAFF

7:00 PM REGULAR SESSION

1. CALL TO ORDER/PRAYER

2. CONSENT ITEMS:

No items for consent

3. PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL: Planning Commission Chair Wayne Holdaway

4. STAFF REPORT

- Planner – Nathan Crane
- Public Works Director /Engineer– Don Overson
- Attorney – David Church
- Utah County Sheriff Department – Collin Gordon
- Treasurer – Jacob McHargue
- Town Clerk/Recorder – Pamela Spencer

5. COUNCILMEMBER'S REPORTS

Sean Fernandez – Mayor Pro-tem January – March

- Timpanogos Special Service District - Board Member
- ULCT Legislative Policy Committee

Nate Riley – Mayor Pro-tem April – June

- Economic Advisory Committee
- Utah Lake Technical Committee

Dale Goodman – Mayor Pro-tem July – September

- Public works – Park/Trails/Roads/Buildings
- Planning and Zoning

Julie Fullmer – Mayor Pro-tem October - December

- Youth Council
- Branding Committee
- Town Special Events
- Orem Community Hospital Board

6. MAYOR’S REPORT

- North Pointe Solid Waste Special Service District - Board Member
- Mountainland Association of Governments
- Council of Governments
- Utah Lake Commission
- Economic Development Corporation Utah
- Meetings with Orem

7. OPEN SESSION: *Citizen’s Comments (Please see note below)*

(15 minutes)

8. BUSINESS ITEMS:

8.1 DISCUSSION AND ACTION - Vote By Mail

(15 minutes)

Pamela Spencer Town Clerk/Recorder will present her findings on the “Vote by Mail” municipal election option (this is a continuation from the March 11, 2015 meeting).
The Mayor and Town Council will take appropriate action.

8.2 DISCUSSION AND ACTION – Ordinance 2015-02 Transportation Utility Fund *(10 minutes)*

Attorney David Church will present the Transportation Utility Fund Ordinance to address the need to have funds for maintenance and repair of the roads in Vineyard. The Mayor and Town Council will take appropriate action.

8.3 DISCUSSION AND ACTION - Ordinance 2015-03 Storm Water Ordinance *(10 minutes)*

Attorney David Church will present the Storm Water Ordinance to address growing needs for the town. The Mayor and Town Council will take appropriate action.

8.4 DISCUSSION AND ACTION – Amendment to the Town Fees (Resolution 2015-05)

(10 minutes)

Public Works Director Don Overson is requesting an amendment to the Town Fees to adjust the water and sewer rates. The Mayor and Town Council will take appropriate action.

8.5 DISCUSSION – 2015-2016 Preliminary Budget

(15 minutes)

Treasurer Jacob McHargue will present preliminary 2015-2016 budget information for consideration by the Council and receive direction from the Council regarding additions, deletions, or corrections to the proposed budget. The Tentative Budget will be presented for approval on May 13, 2015.

9. ITEMS REQUESTED FOR NEXT AGENDA

10. CLOSED SESSION

The Mayor and Town Council pursuant to Utah Code 52-4-205 may vote to go into a closed session for the purpose of:

- (a) discussion of the character, professional competence, or physical or mental health of an individual
- (b) strategy sessions to discuss collective bargaining
- (c) strategy sessions to discuss pending or reasonably imminent litigation
- (d) strategy sessions to discuss the purchase, exchange, or lease of real property
- (e) strategy sessions to discuss the sale of real property

11. ADJOURNMENT

This meeting may be held electronically to allow a councilmember to participate by teleconference.

Next regularly scheduled meeting is April 08, 2015

NOTE: “**Open Session**” is defined as time set aside for citizens to express their views. Each speaker is limited to three minutes. Because of the need for proper public notice, immediate action will **not** be taken in the Council Meeting. If action is necessary, the item will be listed on a future agenda, however, the Council may elect to discuss the item if it is an immediate matter of concern.

The Public is invited to participate in all Town Council meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Town Clerk at least 24 hours prior to the meeting by calling (801) 226-1929.

I the undersigned duly appointed Recorder for the Town of Vineyard, hereby certify that the foregoing notice and agenda was emailed to the Daily Herald, posted at the Vineyard Town Hall, the Vineyard Town website, the Utah Public Notice website, delivered electronically to Town staff and to each member of the Governing Body.

AGENDA NOTICING COMPLETED ON: March 24, 2015 at 12:00 PM

CERTIFIED (NOTICED) BY: /s/ Pamela Spencer
P. SPENCER, TOWN CLERK/RECORDER

Budget Report for March 2015

Vineyard - General Fund FY 2014/2015 Budget

	Budget	Actual	75.0%	Year End
	FY 2015	To Date	Percent	Projected
Revenues		FY 2015	Target	Amount
Taxes				
Current property taxes	\$ 775,000	\$ 786,000	101%	\$ 800,000
Motor Vehicle	\$ 4,000	\$ -	0%	\$ -
Sales tax	\$ 135,000	\$ 114,000	84%	\$ 152,000
Franchise taxes	\$ 175,000	\$ 156,000	89%	\$ 208,000
Total Taxes	\$ 1,089,000	\$ 1,056,000	97%	\$ 1,160,000
License and Permits				
Business licenses	\$ 7,500	\$ 6,000	80%	\$ 8,000
Building permits	\$ 400,000	\$ 477,000	119%	\$ 636,000
Total License and Permits	\$ 407,500	\$ 483,000	119%	\$ 644,000
Intergovernmental Revenue				
Class "C" road fund allotment	\$ 23,000	\$ 12,000	52%	\$ 16,000
State liquor fund allotment	\$ 450	\$ -	0%	\$ -
Total Intergovernmental	\$ 23,450	\$ 12,000	51%	\$ 16,000
Charges For Service				
Development fees	\$ 125,000	\$ 158,000	126%	\$ 210,667
Sanitation costs	\$ 25,000	\$ 26,000	104%	\$ 34,667
Administrative costs	\$ 186,960	\$ 177,000	95%	\$ 236,000
Total Charges for Service	\$ 336,960	\$ 361,000	107%	\$ 481,333
Fines and Forfeitures				
Law enforcement fees	\$ 5,500	\$ 2,400	44%	\$ 3,200
Total Fines and Forfeitures	\$ 5,500	\$ 2,400	44%	\$ 3,200
Miscellaneous Revenue				
Interest earnings	\$ 8,000	\$ 11,000	138%	\$ 14,667
Park rental	\$ 1,000	\$ 400	40%	\$ 533
Donations	\$ -	\$ 2,000	100%	\$ 2,667
Sundry revenues	\$ 5,000	\$ 25	1%	\$ 33
Total Miscellaneous Revenues	\$ 14,000	\$ 13,425	96%	\$ 17,900
Contributions & Transfers				
Appropriation class "C"	\$ -	\$ -	0%	\$ -
Appropriation of fund balance	\$ 300,000	\$ -	0%	\$ -
Transfer from RDA	\$ -	\$ -	0%	\$ -
Total Contributions & Transfers	\$ 300,000	\$ -	0%	\$ -
Total General Fund Revenues	\$ 2,176,410	\$ 1,927,825	89%	\$ 2,322,433

	Budget	Actual	75.0%	Year End
	FY 2015	To Date	Percent	Projected
Expenditures		FY 2015	Target	Amount

Salaries & wages	\$ 237,424	\$ 189,000	80%	\$ 252,000
Employee benefits	46,369	33,000	71%	\$ 44,000
Subscriptions, & memberships	7,000	4,000	57%	\$ 5,333
Public notices	1,500	1,000	67%	\$ 1,333
Travel	5,573	3,000	54%	\$ 4,000
Office supplies	17,500	5,000	29%	\$ 6,667
Equipment supplies & maintenance	12,000	5,000	42%	\$ 6,667
Information systems	13,000	9,000	69%	\$ 12,000
Utilities	26,100	18,000	69%	\$ 24,000
Administrative costs	93,173	62,000	67%	\$ 82,667
Professional services	-	-	0%	\$ -
Education & training	6,500	3,000	46%	\$ 4,000
Bank charges	3,500	2,000	57%	\$ 2,667
elections	-	-	0%	\$ -
Insurance & surety bonds	20,500	16,000	78%	\$ 21,333
Planner	40,000	22,000	55%	\$ 29,333
Engineering	256,960	177,000	69%	\$ 236,000
Financial planner	-	-	0%	\$ -
Auditor	7,600	7,600	100%	\$ 7,600
Legal	15,000	11,000	73%	\$ 14,667
Library fees	4,000	2,000	50%	\$ 2,667
Misc supplies	-	-	0%	\$ -
Grounds equipment	25,000	2,000	8%	\$ 2,667
Grounds supplies	3,300	-	0%	\$ -
public works capital outlay	-	-	0%	\$ -
Building inspector	90,000	61,000	68%	\$ 81,333
Law enforcement	72,000	8,000	11%	\$ 10,667
Fire services	165,000	124,000	75%	\$ 165,333
Dispatch	8,000	4,000	50%	\$ 5,333
Streets salaries	43,708	1,000	2%	\$ 1,333
Streets benefits	8,853	-	0%	\$ -
Streets equipment	21,000	6,000	29%	\$ 8,000
Streets professional services	36,000	26,000	72%	\$ 34,667
Streets maintenance	50,000	12,000	24%	\$ 16,000
Sanitation	38,000	27,000	71%	\$ 36,000
Parks supplies	5,000	2,000	40%	\$ 2,667
Parks equipment	15,000	4,000	27%	\$ 5,333
Parks maintenance	60,000	28,000	47%	\$ 37,333
Youth council	10,000	4,000	40%	\$ 5,333
transfer to capital projects	711,850	-	0%	\$ -
transfer to park project	-	-	0%	\$ -
budgeted increase in fund balance	-	-	0%	\$ -
Total General Fund Expenditures	\$ 2,176,410	\$ 878,600	40%	\$ 1,016,933
Surplus/(Deficit)	\$ -	\$ 1,049,225		\$ 1,305,500

Town of Vineyard

2015 – 2016 Budget Discussion

We as staff are looking at the upcoming year; we have some areas we believe we need to focus in order to prepare to handle the growth for the coming year. I have categorized these needs in the following categories; Personnel and Equipment.

Personnel:

- New Positions
 - Water / Sewer Operator - Currently contracted out, on track to spend \$40,000 this year. We would like this to become a full time position; we estimate that this position could be filled by a salaried employee for \$55,000, with benefits the cost to the town would be close to \$75,000
 - Building Official - Currently contracted out, on track to spend \$95,000 this year. We would like this to become a full time position; we estimate that this position could be filled by a salaried employee for \$70,000, with benefits the cost to the town would be close to \$90,000
 - Public Works Technician - We would like to create a new part time position with the town, this person would be responsible for miscellaneous public works projects. We estimate the hours to fluctuate but to average around 20 hours per week. The cost to the town would be close to 20,000
- Employee Compensation
 - Pay scale - we are working on an updated pay scale with the positions that need to be created in the town. This will be a five step pay scale that will apply to every position the town, and any we may create in the coming years. There will be no cost to the town with this updated pay scale
 - Merit Increases - We are currently in the process of completing performance evaluations. We are requesting a 3% allocation to salaries and wages be made for a merit increase based on these evaluations. The cost to the town will be around \$7,500

Equipment:

- New Equipment
 - New Printer - we need a printer/scanner that can handle larger documents, the one we suggest is \$8,000
 - Used Vehicle - Each inspector will need a vehicle, we currently have one, the cost to the town to purchase a second will be around \$15,000
 - Inspector Equipment - Each inspector will need miscellaneous equipment, we estimate the cost to the town to be around \$7,000
 - Signs – I15 signs both north and southbound need to have Vineyard added to them. The cost to the town is around \$6,000

ARTICLE 14-400.**STORM WATER MANAGEMENT****VINEYARD TOWN STORMWATER ORDINANCE****TABLE OF CONTENTS**

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Vineyard Town Stormwater Ordinance

14-401. GENERAL

(1) Findings on Stormwater Runoff Harm.

The Town's physical growth and urban development has and will continue to increase the amount of storm water runoff collected and routed, using the Town's storm water drainage system and facilities. Storm water runoff causes property damage and erosion, carries concentration of nutrients, chemicals, heavy metals, oil and toxic materials into receiving waters and ground waters; degrades the integrity of Town streets, curbs, gutters and other infrastructure conveying storm water; reduces the citizens' access to emergency services and imposes hazards to both life and property. Additionally, the Federal Government has established, through its Clean Water Act, environmental protection regulations for water quality and National Pollution Discharge Elimination System (NPDES/UPDES) permit requirements for the Town's discharge of its storm water into receiving waters.

(2) Purpose. It is the purpose of this ordinance to:

- a. Provide and maintain a storm water system for handling storm water runoff.
- b. Protect, maintain, and enhance the environment of Vineyard Town.
- c. Provide fair, equitable and nondiscriminatory rates and charges for a storm water system and related services which will generate sufficient revenue for operating, improving and maintaining the storm water sewer utility at a level commensurate with storm water management needs. The rates and charges shall be set by considering needed revenues and the amount of impervious surface on developed parcels and the respective storm water runoff characteristic of the parcel, and apply said rates and charges for the same class of customers.
- d. Establish a policy that present and future rates and charges for this service should be fixed with consideration of the differences in cost fairly allocated to the various customers based upon such factors as the intensity of development of the parcel; the types of development on the parcel; the cost of maintenance, operation, repair and improvements of the various parts of the utility; the quantity and quality of the runoff generated; and other factors which present a reasonable basis for distinction and which will allow for management of the storm drainage system in a manner that protects the public health, safety and welfare.
- e. Establish responsibilities for controlling and managing storm water runoff.
- f. Protect the public health, safety and the general welfare of the citizens of the Town, by controlling discharges of pollutants to the Town's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the Town.
- g. Enable the Town to comply with the UPDES permit and applicable regulations, 40 CFR section 122.26 for stormwater discharges.
- h. Allow the Town to exercise the powers granted by Utah Code , which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance or resolution to:

- i. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;
- ii. Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
- iii. Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
- iv. Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
- v. Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;
- vi. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
- vii. Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
- viii. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(3) Administering Entity. Town Engineer shall administer the provisions of this ordinance. Nothing in this ordinance shall relieve any person from responsibility for damage to other persons or property, nor impose upon Vineyard Town, its officers, agents or employees, any liability for damage to other persons or property.

14-402. Definitions.

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

1. "As built plans" means drawings depicting conditions as they were actually constructed.
2. "Best management practices" or "BMPs" are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by Vineyard Town and that have been incorporated by reference into this ordinance as if fully set out therein. For purposes of this Title, the relevant BMP's are more particularly defined in Vineyard Town's *Storm Water Management Plan*.
3. "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
4. "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface

or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Vineyard Town.

5. “Contaminant” means any physical, chemical, biological, or radiological substance or matter in water.
6. “Customer” or “person” means any individual public; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, agencies, county; Town; political subdivision; or any other governmental or legal entity recognized by law.
7. “Developed parcel” means any parcel, which has been altered by grading or filling of the ground surface, or construction of any improvements or other impervious surface area thereon.
8. “Director” means the director of the Public Works Department or the director’s designee.
9. “Discharge” means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.
10. “Easement” means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.
11. “Equivalent residential unit (ERU)” means a configuration of development, or impervious surfaces on a parcel, contributing runoff to the Town’s storm water drainage system or which represents the estimated use of the system that is approximately equal to that contributed by a single-family residential parcel. The average square footage of impervious surface area as defined in the Vineyard Town Storm Drain Master Plan.
12. “Erosion” means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
13. “Erosion and sediment control plan” means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
14. General Construction Storm Water Permit: Permit required by the Utah Department of Environmental Quality, Division of Water Quality.
15. “Hotspot” (“priority area”) means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

16. "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.
17. "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under section 14-410 (2).
18. Irrigation Ditches: Gravity irrigation ditches used by irrigation shareowners having a right of water passageway by ROW, easement or prescription.
19. Land Disturbance Permit: The Vineyard Town Land Disturbance.
20. "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
21. "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a BMP or stormwater facility if reconstruction is needed in order to restore the BMP or stormwater facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the BMP or stormwater facility.
22. "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
23. "Municipal separate storm sewer system (MS4)" ("Municipal separate stormwater system") means the conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.
24. "National Pollutant Discharge Elimination System (NPDES) Storm Water Regulations" means the provisions of the Federal Clean Water Act establishing specific permit requirements for the control of storm water discharges.
25. "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.
26. "Non-polluted" when used in connection with water or any other referenced medium, means that medium shall not have been contaminated with a pollutant.

27. Notice of Violation (N.O.V.): Whenever the Town Engineer finds that a person is in non-compliance with this ordinance, the Engineer will order compliance by written notice of violation to the responsible person. Requirements in this Notice are at the discretion of the Engineer, and may include monitoring, payment to cover costs relating to the non-compliance, and the implementation of Best Management Practices.
28. “Off-site facility” means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
29. “On-site facility” means a structural BMP located within the subject property boundary described in the permit application for land development activity.
30. “Parcel” means the smallest separately segregated unit of plot of land, with person(s) identified as owner(s); having boundaries and surface area, which is documented and given a property number by Utah County.
31. “Peak flow” means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
32. Pre-Existing Conditions: Conditions of property in its native state or changed under approval by the Town or changed property that is grandfathered.
33. “Priority area” means “hot spot” as defined in definition 19.
34. Property Owner: Land owner of property within the boundary of Vineyard Town.
35. “Runoff” means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system. Runoff: Water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm sewer drainage system.
36. “Sediment” means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
37. “Sedimentation” means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.
38. “Single-family residential parcel” means any parcel of land which is improved with a dwelling unit.
39. “Soils Report” means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

40. “Stabilization” means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
41. “Stormwater” means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.
42. Storm Water Design Standards and Regulations: Current Vineyard Town storm water standards and regulations as adopted by the Town.
43. Storm Drain Master Plan: Current Vineyard Town Storm Drain Master Plan as adopted by the Town.
44. “Stormwater management” means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.
45. “Stormwater management facilities system” means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
46. “Stormwater management plan” means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.
47. “Stormwater runoff” means flow on the surface of the ground, resulting from precipitation.
48. "Storm water sewer system" means the Town storm water system comprised of storm water facilities, streets and any other features which store, control, treat and/or convey storm water.
49. “Stormwater utility” means the stormwater utility created by ordinance of the Town to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the municipality.
50. “Structural BMPs” means devices that are constructed to provide control of stormwater runoff.
51. “Surface water” includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
52. Town: Vineyard Town
53. Town Council, Council: Vineyard Town Council

54. Town Engineer: The Town Engineer of Vineyard Town, or authorized designee.
55. Town Storm Water System: Storm Systems that receives runoff from public right-of-way, natural waterways and systems identified in a Town easement.
56. “Undeveloped parcel” means any parcel which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area which affected the hydraulic properties of the parcel.
57. UPDES: Utah Pollution Discharge Elimination System.
58. “Watercourse” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
59. “Watershed” means all the land area that contributes runoff to a particular point along a waterway.

14-403. Stormwater Sewer Utility

- (1) **Potential Hazards Declared.** Absent effective maintenance, operation, regulation and control, existing storm water drainage conditions within the Town constitute a potential hazard to the health, safety, welfare and property of the Town inhabitants. All manmade stormwater facilities and conveyances, and natural storm water drainage within the Town limits, except those included under authorization issued to counties by state law for management of certain storm water runoff, constitutes the Town's storm water sewer system.
- (2) **Stormwater Sewer Utility Established.** There is created and established a storm water sewer utility to be known as the storm water sewer utility.
- (3) **Utility Enterprise Fund.** There is created the Storm Water Utility Enterprise Fund. All funds received from such storm water services charges shall be placed in the enterprise fund. The collection, accounting and expenditure of all storm water sewer utility funds shall be in accordance with the existing fiscal policy of the Town.
- (4) **System of Rates and Charges.** There are hereby imposed storm sewer service fee rates and charges on each parcel of real property within the Town. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future storm water facilities.
- (6) **Method of Determining Contribution of Stormwater.** The method of determining contributions of stormwater shall be in accordance with the Town’s currently adopted Consolidated Fee Schedule.
- (7) **Billing and Collection.**

Billing. The department of public utilities shall cause billings for storm water sewer utility services to be rendered periodically to the person who is the owner of the parcel, or the owner's agent, who has signed for water and sanitary sewer service to the parcel. The amounts to be billed shall be included on the existing department of public utilities bill as a separate line item. A storm water-only billing will be sent to those persons who are owners of parcels within the Town, but not currently Town utility customers. The amount billed shall be in accordance with the current adopted Town Fee Schedule.

Collection. In the event partial payment is made on a combined bill, the payment shall be applied to each service on a pro rata basis. In the event of delinquency, fees and charges levied in accordance herewith shall be a debt due the city. If this debt is not paid within thirty days after billing, it shall be deemed delinquent and subject to recovery in a civil action and/or said department shall have the right to terminate water and sewer services to the premises. Any uncollected amount due from the person or persons who own the parcel on any inactive, terminated or discontinued account may be transferred to any active account under the same person's or person's name(s) and upon failure to pay such bill after at least five days' prior written notice, water and other city services to that account and parcel may be discontinued. Water sewer, garbage and storm service shall not be restored until all charges have been paid in full.

(8) Appeal of Charges.

1. Any owner or person who considers the Town's storm water charge applied to their parcel to be inaccurate, or who otherwise disagrees with the utility rate determinations, may apply to the director for a service charge adjustment. Such a request shall be in writing and state the grounds of such an appeal. The director shall review the case file and determine whether an error was made in the calculation or application of the fee and make an adjustment to the charge, if necessary, to provide for proper application of the Town's rates and charges pursuant hereto. In all cases, the decision of the director shall be final unless appealed.
2. Any appeal under this chapter shall be filed in writing with the director no later than twenty (20) days after said billing. Any subsequent appeal shall be brought within twenty (20) days after the date of the appealed decision.
3. Appeal of decisions made by the director may be brought before the Town Council, who may reevaluate the issue raised in the appeal. Decisions of the Town Council shall be final and conclusive.
4. Nothing in this chapter shall be construed to grant a right to judicial review which does not otherwise exist at law.

14-404. Land disturbance permits.

(1) When required.

- a. Every person will be required to obtain a land disturbance permit from the Town Engineer in the following cases:
 - i. Land disturbing activity generally disturbs one (1) or more acres of land.
 - ii. Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;
 - iii. Land disturbing activity of less than one (1) acre of land, if in the discretion of the Town Engineer such activity poses a unique threat to water, or public health or safety;
 - iv. The creation and use of borrow pits.
 - v. Development of a single family home.
 - vi. Processing of earthen materials such as top soil and gravel screening.
 - vii. Construction of parking lots.
 - viii. Commercial projects.

(2) Drainage channels, waterways and sensitive areas.

- a. Property owners shall not alter or restrict natural channels and waterways without proper Federal, State and Town permits.
- b. Modifications of sensitive areas are subject to and governed by the Vineyard Town Sensitive Areas and Overlay Zone Ordinance (Development Code Article 3.12). These actions will require a Land Disturbance Permit and approval from all other governing agencies.
- c. Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside Vineyard Town boundaries must provide written approval from the state, county or municipality or their agents.
- d. Property owners are responsible for the protection of canals per the relevant sections of this ordinance.
- e. Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.

(3) Building Permit. No building permit shall be issued until the applicant has obtained a Land Disturbance Permit where the same is required by this ordinance.

(4) Exemptions. The following activities are exempt from the permit requirement:

- a. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- b. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- c. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate Town, Federal, or State Agency.
- d. Additions or modifications to existing single family structures that do not disturb more than 1 acre of property.

(5) Application for a Land Disturbance Permit.

- a. Applications shall be made with the Vineyard Town Building Department.
- b. Each application shall include the following:
 - i. Name of applicant;
 - ii. Business or residence address of applicant;
 - iii. Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
 - iv. Address of subject property;
 - v. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
 - vi. A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
- c. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the Town Engineer from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.
- d. Each application shall be accompanied by:
 - i. A sediment and erosion control plan..
 - ii. A stormwater management plan providing for stormwater management during the land disturbing activity and after the activity has been completed.
- e. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, as adopted by resolution and found in the Town's currently adopted Consolidated Fee Schedule.

(6) Review and approval of application.

- a. The Town Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 15 days after receiving an application, the Town Engineer shall provide one of the following responses in writing:
 - i. Approval of the permit application;
 - ii. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
 - iii. Denial of the permit application, indicating the reason(s) for the denial.

- b. If the Town Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the Town Engineer. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the Town Engineer.

No development plans will be released until the land disturbance permit has been approved.

(7) Permit duration.

- a. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction. If the land disturbance permit has expired before construction is complete, it shall be renewed with the associated land disturbance permit fee.

(8) Notice of construction.

- a. The applicant must notify the Town Engineer ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the Town Engineer in accordance with section 411 (1).

(9) Performance bonds. The Town Engineer may, at his discretion:

- a. Require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.
 - 1. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement.
 - 2. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.
 - 3. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the Town Engineer.
 - 4. Alternatively the Town Engineer shall have the right to calculate the cost of construction cost estimates.

- b. The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in the State of Utah that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance.
- c. The Town Engineer will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the Town Engineer.

14-405. Clean Streets

- (1) Building Materials in Street Permit.** It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the Town Engineer a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the Town Engineer. Any such permit may be revoked by the Town Engineer at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the Town Engineer, the public interest requires such revocation.
- (2) Placing Trash or Other Obstruction in Streets, Gutters, Sidewalks or on Neighboring Property or Public Open Space.** It shall be unlawful for any developer of subdivisions, contractor, builder or person owning, occupying or having control of any premise to place, or permit to be placed upon the sidewalk, park strip, gutter, neighboring property or public open space or on the half of the street next to such premise or to fail to remove from the streets, gutters or sidewalks:
 - 1. Any construction material, dirt, soil, mud, broken ware, glass, filth, rubbish, sweeping, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.
 - 2. Any vehicles, trailers, lumber, wood boxes, fencing, building materials, dead trees, trees, stumps, merchandise or other thing which shall obstruct such public street, gutter, park strip or sidewalk, or any part thereof, or public open space except as expressly authorized by ordinance, without first obtaining the permission of the Development Review Committee (DRC).
 - 1. Any permanent or temporary structure, mechanism, device, vehicle, trash or garbage container or other thing of any kind of character except trees planted pursuant to the provisions of applicable ordinance.

(3) Obstruction of Stormwater

1. It is unlawful for any person to obstruct or contribute to the obstruction of the flow of storm water runoff or non-storm water runoff into any sump, retention basin, storm drain, curb and gutter, drain inlet, or any other associated structural controls that convey storm water and/or non-storm water runoff, unless the obstruction is authorized by the Town Engineer or his designee and granted with the issuance of a permit signed by the Town Engineer or his designee.
2. It is unlawful for any person to cause any obstruction that inhibits the normal flow of storm water and/or non-storm water runoff in any curb and gutter, unless the obstruction is authorized by the Town Engineer or his designee and granted with the issuance of a permit signed by the Town Engineer or his designee.
3. It is unlawful for a person to cover over any drain inlet for any reason or purpose, unless the obstruction is authorized by the Town Engineer or his designee and granted with the issuance of a permit signed by the Town Engineer or his designee.

(4) Use of Trash Containers, Site Cleanup and Unlawful Use of Non-Site Trash Containers. It shall be unlawful for any person who is constructing any new structure, building or residence to build such structure, building or residence without having on the premises a trash container sufficiently sized to accommodate construction debris and trash which results from such construction. It shall be the duty of the general contractor, and absent a general contractor, the owner of the building permit, to keep said site free of debris at all time. It shall be unlawful for any person to deposit trash in a construction dumpster without express permission of the general contractor or owner of the building permit.

(5) Provision for Curb Ramps. All persons participating in the above named construction shall provide access to the site where curbs are installed. It shall be unlawful for any person to provide access other than through the use of curb ramps. Curb ramps may only be constructed out of wood, steel, or asphalt. All curb ramps must be removed prior to final inspection to the satisfaction of the Town.

(6) Provision for Sanitary Facilities. It shall be unlawful for any person who is constructing any new structure, building or residence to build such structure, building or residence without sanitary toilet facilities available to those working on the site. Such lavatory must be placed on the site a minimum of ten (10) feet behind the curb and not on the sidewalk.

14-406. Stormwater system design and management standards.

(1) Irrigation ditches.

1. All existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficient size pipe and shall be coordinated with water user.
2. Property owners are responsible for the protection of irrigation ditches per the relevant sections of this ordinance.

3. Discharges to private ditches require written approval from the ditch owners and design shall comply with the terms of approvals and the Storm Water Design Standards and Regulations and the Land Disturbance Permit.
4. Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative but are not required to receive written approval of ditch owners. Design and coordination requirements shall comply with the Storm Water Design Standards and Regulations and the Land Disturbance Permit documents.

(2) Stormwater design and BMP manuals.

- A. Adoption. The municipality adopts as its stormwater design and best management practices (BMP) manuals the following publications, which are incorporated by reference in this ordinance as is fully set out herein:
 1. Vineyard Town Storm Water Drainage Design Manual.
 2. Vineyard Town Storm Drain Master Plan.
 3. Vineyard Town Storm Water Management Plan.
- B. These manuals reference a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manuals may be updated and expanded from time to time, at the discretion of the governing body of the Town, upon the recommendation of the Town Engineer, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(3) General performance criteria for stormwater management. Unless granted a waiver or judged by the Town Engineer to be exempt, the following post construction performance criteria shall be addressed for stormwater management at all sites:

- A. Design of storm drain systems in boundaries and discharges into an Vineyard Town storm drain system requires direct supervision of a Utah registered professional engineer, and shall carry the seal of the same supervising professional engineer.
- B. All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP manuals and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- C. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manuals.
- D. Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, swimming beaches, recharge areas, water supply reservoirs) may be subject

- to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- E. Stormwater discharges from “hot spots” may require the application of specific structural BMPs and pollution prevention practices.
 - F. Prior to or during the site design process, applicants for land disturbance permits shall consult with the Town Engineer to determine if they are subject to additional stormwater design requirements.
 - G. The calculations for determining peak flows as found in the BMP manuals shall be used for sizing all stormwater facilities.

(4) Minimum control requirements.

- A. Storm water discharge during all construction activities shall comply with the terms of the Land Disturbance Permit, the Storm Water Design Standards and Regulations, and/or requirements set forth by the building Code, and the State of Utah UPDES requirements.
- B. Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the Storm Water Drainage Design Manual unless the Town Engineer has granted the applicant a full or partial waiver for a particular BMP under section 14-408.
- C. Runoff rates from one lot to another may not exceed pre-existing conditions or in such a manner that may unreasonably and unnecessarily cause more harm than formerly.
- D. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the Town Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(5) Stormwater management plan requirements. Property owners are responsible to manage storm water runoff and sediment whether in conduit systems or on the surface that traverse or originate on their property, unless this responsibility is relinquished through the terms and conditions of an easement. The stormwater management plan shall include sufficient information to allow the Town Engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

- A. Topographic Base Map: A 1" = 500' topographic base map of the site which extends a minimum of 1000 feet beyond the limits of the proposed development and indicates:
- B. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

- C. Current land use including all existing structures, locations of utilities, roads, and easements;
- D. All other existing significant natural and artificial features;
- E. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
- F. Proposed structural BMPs;
- G. A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- H. Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Storm Water Drainage Design Manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manuals. Such calculations shall include:
 - I. A description of the design storm frequency, duration, and intensity where applicable;
 - J. Time of concentration;
 - K. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - L. Peak runoff rates and total runoff volumes for each watershed area;
 - M. Infiltration rates, where applicable;
 - N. Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - O. Flow velocities;
 - P. Data on the increase in rate and volume of runoff for the design storms referenced in the Storm Water Drainage Design Manual; and
 - Q. Documentation of sources for all computation methods and field test results.
- R. Soils Information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- S. Maintenance and Repair Plan. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.
- T. Landscaping Plan. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Utah.

- (6) Maintenance Easements.** The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.
- (7) Maintenance Agreement.** The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:
- A. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
 - B. Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a qualified individual who will submit a sealed report of the inspection to the Town Engineer. It shall also grant permission to the Town to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
 - C. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manuals.
 - D. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the Town Engineer.
 - E. Provide that if the property is not maintained or repaired within the prescribed schedule, the Town Engineer shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the Town Engineer's cost of performing the maintenance shall be a lien against the property.
- (8) Dedication.** The municipality shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.
- (9) Sediment and Erosion Control Plans.** The applicant must prepare and implement a sediment and erosion control plan for all construction activities that complies with section 14-406 (9) below.

- A. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer licensed in the state of Utah. The plan shall also conform to the requirements found in the Storm Water Drainage Design Manual, and shall include at least the following:
- B. Project Description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- C. A topographic map with contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
- D. All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- E. A general description of existing land cover. Individual trees and shrubs do not need to be identified.
- F. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
- G. Approximate limits of proposed clearing, grading and filling.
- H. Approximate flows of existing stormwater leaving any portion of the site.
- I. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- J. Location, size and layout of proposed stormwater and sedimentation control improvements.
- K. Proposed drainage network.
- L. Proposed drain tile or waterway sizes.
- M. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
- N. The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the

construction of any sediment basins or retention facilities or any other structural BMP's.

- O. Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- P. Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the Town Engineer. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the Town Engineer. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.
- Q. Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
- R. A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

14-407. Post Construction.

- (1) **As built plans.** All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Utah. A final inspection by the Town Engineer is required before any performance security or performance bond will be released. The Town Engineer shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMP's have been made and accepted by the Town Engineer.
- (2) **Landscaping and stabilization requirements for individual residential lots.** For individual lots in residential construction, final stabilization must be completed within two years of the issuance of the Certificate of Occupancy.

“Final stabilization” is achieved when the following conditions are met:

- A. All soil disturbing activities at the site have been completed
- B. A uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures.

For individual lots in residential construction, final stabilization means that either the homebuilder has completed final stabilization as specified above, or the homebuilder has established temporary stabilization including perimeter controls for an individual lot prior

to occupation of the home by the homeowner. The homeowner is obligated, by this ordinance, to complete the requirements for final stabilization within two years.

(3) Landscaping and stabilization requirements for all other construction activities. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the Town Engineer. The following criteria shall apply to revegetation efforts:

- A. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
- B. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
- C. Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.
- D. In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for in section 406.

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 3 years. These records shall be made available to the Town Engineer during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the Town Engineer, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Town Engineer shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 15 days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the Town Engineer may take

necessary corrective action. The cost of any action by the Town Engineer under this section shall be charged to the responsible party.

14-408. Waivers.

- (1) **General.** Every applicant shall provide for post construction stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the Town Engineer for approval.
- (2) **Conditions for waiver.** The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

 - A. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
 - B. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Town Engineer.
 - C. Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
- (3) **Downstream damage, etc. prohibited.** In order to receive a waiver, the applicant must demonstrate to the satisfaction of the Town Engineer that the waiver will not lead to any of the following conditions downstream:

 - A. Deterioration of existing culverts, bridges, dams, and other structures;
 - B. Degradation of biological functions or habitat;
 - C. Accelerated stream bank or streambed erosion or siltation;
 - D. Increased threat of flood damage to public health, life or property.
- (4) **Land disturbance permit not to be issued where waiver requested.** No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

14-409. Existing locations and developments.

- (1) **Requirements for all existing locations and developments.** The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance and which discharge or have the potential to discharge to the municipal stormwater facilities:

- A. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manuals and on a schedule acceptable to the Town Engineer.
- B. Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- C. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
- D. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- E. Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:

- 1. Ponds
 - a. Detention pond
 - b. Extended detention pond
 - c. Wet pond
 - d. Alternative storage measures
- 2. Constructed wetlands
- 3. Infiltration systems
 - a. Infiltration/percolation trench
 - b. Infiltration basin
 - c. Drainage (recharge) well
 - d. Porous pavement
- 4. Filtering systems
 - a. Catch basin inserts/media filter
 - b. Sand filter
 - c. Filter/absorption bed
 - d. Filter and buffer strips
- 5. Open channel
 - a. Swale

(2) Requirements for existing problem locations. The Town Engineer shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3) Inspection of existing facilities. The Town Engineer may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with

discharges of a type which are more likely than the typical discharge to cause violations of the municipality's UPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

- (4) Corrections of problems subject to appeal.** Corrective measures imposed by the Town Engineer under this section are subject to appeal under section 14-413 of this ordinance.

14-410. Illicit discharges.

- (1) Scope.** This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.
- (2) Prohibition of illicit discharges.** No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

Uncontaminated discharges from the following sources:

- a. Water line flushing or other potable water sources,
- b. Surface runoff from storm events,
- c. Roof runoff,
- d. Landscape irrigation or lawn watering with potable water,
- e. Diverted stream flows,
- f. Rising ground water,
- g. Groundwater infiltration to storm drains,
- h. Uncontaminated pumped groundwater,
- i. Foundation or footing drains,
- j. Crawl space pumps,
- k. Air conditioning condensation,
- l. Springs,
- m. Natural riparian habitat or wet-land flows,
- n. Swimming pools (if dechlorinated - typically less than one PPM chlorine),
- o. Emergency Fire fighting activities, and
- p. Any other uncontaminated water source.
- q. Discharges specified in writing by the Town Engineer as being necessary to protect public health and safety.
- r. Dye testing is an allowable discharge if the Town Engineer has so specified in writing.
- s. The prohibition shall not apply to any non-storm water discharge permitted under a UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality, provided that the discharger is in full compliance with all requirements of the permit,

waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(3) Prohibition of illicit connections.

- a. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
- b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Dumping. It is unlawful for any person to dump, or allow to be dumped into any sump, detention basin, storm drain, curb and gutter, drain inlet, or any other storm drainage structure that conveys storm water and/or non-storm water, any type of debris, petroleum product, chemical, paint, pesticide, herbicide, heavy metal, acid or base product, solid or liquid waste product, hazardous waste product, concrete or related products, and/or human or animal waste.

(5) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants and/or to remove such pollutants from the municipal separate storm sewer system. Compliance with all terms and conditions of a valid UPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(6) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the Town Engineer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town Engineer within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years.

14-411. Enforcement

(1) Enforcement authority. The Town Engineer or his designees shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this section.

- a. With the issuance of a Land Disturbance Permit, the Town Engineer shall be permitted to enter and inspect facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ordinance may result in punitive actions by Vineyard Town ordinance enforcement, by Utah County Health Department or by other means identified in permits or terms set forth in development applications. All inspections shall be documented and written reports prepared that contain the following information:
 - i. The date and location of the inspection;
 - ii. Whether construction is in compliance with the approved stormwater management plan;
 - iii. Variations from the approved construction specifications;
 - iv. Any violations that exist.
- b. **Building Official Enforcement.** The Building Official is not permitted to perform a building inspection if the site is not in conformance with any aspect of this ordinance.

(2) Notification of violation.

- A. **Written Notice.** Whenever the Town Engineer finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the Town Engineer may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Town Engineer. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- B. **Consent Orders.** The Town Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (D) and (E) below.
- C. **Show Cause Hearing.** The Town Engineer may order any person who violates this ordinance or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

D. **Compliance Order.** When the Town Engineer finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

E. **Cease and Desist Orders.** When the Town Engineer finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

1. Comply forthwith; or
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(3) **Conflicting standards.** Whenever there is a conflict between any standard contained in this ordinance and in the BMP manuals adopted by the municipality under this ordinance, the strictest standard shall prevail.

(4) **Violations.** Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the Town Engineer, shall be guilty of a Class B Misdemeanor.

14-412. Penalties

(1) Under the authority provided in Utah Code Annotated 10-8-84 and 10-3-703, the municipality declares that any violation of the provisions of this ordinance is a a Class B Misdemeanor. Each day of violation shall constitute a separate offense. The Town may assess a civil penalty in addition to filing criminal charges for each violation of this ordinance.

(2) **Measuring civil penalties.** In assessing a civil penalty, the Town Engineer may consider:

- A. The harm done to the public health or the environment;
- B. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- C. The economic benefit gained by the violator;
- D. The amount of effort put forth by the violator to remedy this violation;
- E. Any unusual or extraordinary enforcement costs incurred by the municipality;

- F. The amount of penalty established by ordinance or resolution for specific categories of violations; and
- G. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(3) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the municipality may recover;

- A. All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
- B. The costs of the municipality's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.

(4) Other remedies. The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(5) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

14-413. Appeals.

- (1) Appeals to Vineyard Town Council.** Pursuant to Utah Code 10-3-703.7 Annotated, any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the an administrative law judge appointed for that purpose by the Vineyard Town Council.
- (2) Appeals to be in writing.** The appeal shall be in writing and filed with the Town Recorder within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- (3) Hearing in the public.** Upon receipt of an appeal, the Vineyard Town Council shall hold a hearing within thirty (30) days. Ten (10) days notice by registered mail shall be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the Vineyard Town Council shall be final.
- (4) Appealing decisions of the municipality's governing body.** Any alleged violator may appeal a decision of the Vineyard Town Council pursuant to the provisions of Utah Code 10-3-703.7 Annotated.

ARTICLE 14-500 Transportation Utility Fund.

14-501 Intent in Creating a Transportation Utility.

14-502 Definitions.

14-503 Establishment of Utility Transportation Fund.

14-504 Billing and Collection.

14-505 Enforcement.

14-506 Dedication of Funds.

14-507 Annual Report and Gas Tax Revenues.

14-508 Appeals.

14-509 Contribution and Internal Revenue Code Section 501(c)(3) Exemption.

14-501. Intent in Creating a Transportation Utility.

The Town Council hereby finds, determines, and declares that the public necessity of providing maintenance, upkeep, improvement, and repair of the Town's streets and related facilities within the right-of-way requires the establishment of a comprehensive transportation utility with the purpose and power of undertaking such maintenance and improvement of Town streets and related facilities as may be necessary and proper, with such mandate to include, without limitation, the following activities: patching, crack sealing, seal coating, over-laying and other activities as are necessary in order that local streets may be properly maintained to safeguard the health, safety and welfare of the Town and its inhabitants. As part of the establishment of this utility, a utility transportation fund ("fund") is hereby created for the purpose of providing funds for the maintenance of Vineyard Town streets. Insofar as possible to do so with funds available, and in accordance with policies adopted by the Town Council, the Town intends to maintain only Vineyard public streets and rights-of-way and shall not use funds for the maintenance of private streets, rights-of-way, or easements.

14-500 5.08.020. Definitions.

"Commercial" means a nonpublic use, nonresidential land use including, but not limited to, industrial, office, retail, for-profit education, for-profit medical facilities, or professional services establishments.

"Multifamily unit" means a nondetached dwelling unit arranged, designed for, and occupied by more than one (1) family living independently of each other in separate units, including, but not limited to, apartments.

"Public use" means a land use for a tax-exempt property, including, but not limited to, government property, school district property, education or religious property, or tax-exempt medical facilities.

"Single-family unit" means a one-family detached, semi-detached (twin home), or attached (town home) (side by side under separate ownership) dwelling unit arranged, designed for, and occupied by not more than one (1) family, and which has a kitchen and a bathroom.

"Street" means any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement shoulders, gutter, parking areas, and other areas within the right-of-way. For the purposes of this section, sidewalks are not considered as part of streets.

"Trip-end" means a trip to or from an origin or destination. A trip-end is the standard unit of measure for trip generation and can be measured as one (1) pass by a traffic counter. Two (2) trip-ends are involved in a simple round trip. Round trips with multiple stops include "pass-by trips" at the destinations between the beginning and end of the trip.

14-503. Establishment of Utility Transportation Fund.

(1) There is hereby created a utility transportation fund, to be reported as an enterprise fund, to be funded by a fee ("fee") to be paid by the users of Vineyard Town utilities within the corporate limits of Vineyard Town. Such fee shall be established by resolution of the Town Council in such amounts as deemed necessary to provide funds to properly maintain Town streets. The amount of the fee shall be adopted in the Consolidated Fee Schedule, which may be amended as needed by resolution of the Town Council. The amount of the fee charged shall be based upon the following land use categories and subcategories:

(a) Residential.

(i) Residential Class A: single-family units.

(ii) Residential Class B: multifamily units.

(b) Commercial.

(i) Commercial Class A: commercial entities with less than one hundred (100) trip-ends generated per weekday per published Institute of Traffic Engineers (ITE) trip-generation rates.

(ii) Commercial Class B: commercial entities with one hundred (100) or more, but less than two hundred (200), trip-ends generated per weekday per published ITE trip-generation rates.

(iii) Commercial Class C: commercial entities with two hundred (200) or more, but less than six hundred (600), trip-ends generated per weekday per published ITE trip-generation rates.

(iv) Commercial Class D: commercial entities with six hundred (600) or more trip-ends generated per weekday per published ITE trip-generation rates.

(c) Public Use.

(i) Public Use Class A: public use entities with an average of less than three hundred (300) trip-ends generated per weekday per published ITE trip-generation rates.

(ii) Public Use Class B: public use entities with an average of three hundred (300) or more trip-ends generated per weekday per published ITE trip-generation rates.

(2) The fee for each land use category and subcategory shall be based on the relative share of aggregate trip-ends each category and subcategory generates. Trip-ends for residential uses shall be based on Vineyard Town residential trip-generation rates as identified in the Vineyard Town Transportation Master Plan. Trip-ends for commercial and public use land uses shall be based on the most recent ITE trip-generation rates.

14-504. Billing and Collection.

The utility transportation fee shall be billed and collected with and as part of the monthly consolidated utility bill. The person(s) responsible for payment of the fee shall be the same person(s) responsible for payment of other Town utilities. All such bills shall be rendered monthly by the Town and shall become due and payable in accordance with the rules and regulations adopted by the Town pertaining to the collection of utility fees, and the Town's finance officers shall place all such fees so collected into the fund to be deposited and separately kept to be used only for the transportation utility purposes provided herein.

14-505. Enforcement.

Any charge due hereunder which is not paid when due may be recovered in an action at law or equity by the Town. In addition to any other remedies or penalties provided by this Chapter or any other ordinance of the Town, failure of any person responsible for the payment of Town utilities to timely pay the charges when due shall subject such person to discontinuance of utility services provided by the Town, consistent with Town policies regarding termination of utility services.

14-506. Dedication of Funds.

All funds collected by the Town from this fee shall annually be paid into the utility transportation fund, which is hereby created as an established enterprise fund in the Town budget. Such revenues shall be used for the purposes of the operation, improvement, and maintenance of existing Vineyard Town streets. It shall not be required that the operations, improvement, and maintenance expenditures from the fund specifically relate to any particular property from which the fees were collected.

14-507. Annual Report and Gas Tax Revenues.

(1) Each year during the annual budget process, the Town Council shall receive an annual report detailing the income and expenditures of the fund. This report shall be in writing and shall be presented at a meeting of the Town Council by representatives of the Public Works Department.

(2) In the event that any State or County legislation is enacted that either changes the rate of a tax or enacts a new tax, the purpose of which tax is to provide funds for the operation, improvement, or maintenance of Town streets, and that results in the Town receiving increased revenues dedicated to that purpose, the Town Council shall also hold a public hearing not more than twelve (12) months following the effective date of such legislation, to allow sufficient time to

gather necessary and relevant data, to specifically consider the question of whether the fee should be reduced to offset, either entirely or partially, those increased revenues. Such hearing may be held as a part of the public hearing held on the Town budget, so long as this question is specifically addressed.

14-508. Appeals.

(1) Any person who disputes the amount of the fee, or disputes any determination made by or on behalf of the Town pursuant to and by the authority of this Chapter, may petition the Town Council for a hearing on a revision or modification of such fee or determination. Such petitions may be filed only once in connection with any fee or determination, except upon a showing of changed circumstances sufficient to justify the filing of such additional petition.

(2) Such petitions shall be in writing, filed with the Town Clerk within thirty (30) days of the date of the utility bill containing the disputed charge or the date of the challenged determination. The facts and figures shall be submitted in writing or orally at an administrative hearing scheduled by the Mayor, or the Mayor's designee. The petitioner shall have the burden to prove that the amount of the fee is in error.

(3) Within sixty (60) days of filing the petition, the Town Council, or its designee, shall make findings of fact based on all relevant information, shall make a determination based upon such findings and, if appropriate, modify such fee or determination accordingly. Such determination by the Council or its designee, shall be considered a final order.

14-509. Contribution and Internal Revenue Code Section 501(c)(3) Exemption.

(1) The fee shall not be charged to any person or entity that in lieu of paying the fee makes an advance voluntary contribution to the utility transportation fund in an amount equal to or greater than the amount of the fee imposed by this Chapter.

(2) The fee shall not be charged in regard to any property owned and operated by one (1) or more organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Federal Tax Code"), that is:

(a) Not used primarily for the production of income that is taxable under Section 511 of the Federal Tax Code;

(b) Exempt from property tax; and

(c) Used primarily:

(i) To provide in-patient hospital care;

(ii) For the education, instruction or training of the individual at the collegiate level or for no more than a nominal charge: (A) on subjects useful to the individual and beneficial to the community; or (B) for the purpose of improving or developing an individual's capabilities; or

(iii) For religious purposes, including as a house of worship or to provide religious education for youth.

(3) Any entity seeking an Internal Revenue Code Section 501(c)(3) exemption pursuant to Subsection (2) of this Section shall make application for the exemption and provide proof of qualification.

DRAFT

Carr Printing	Per election Primary/General				
	Mail Out	< 250	<250		
	6x9 Envelope	\$2.50 a piece	\$2.00 a piece		
	Ballot				
	Return Envelope				
	set up				
	voting instruction sheet				
	precinct packet	\$50.00 each	\$50.00 Each		
	Postage	\$.90 each	\$.90 each		
	3 Poll Workers at 100.00 per person	\$300.00	\$300.00	day of	may pay less if only counting.
Totals	250	1212.5			
	300		1220		
	grand total around x 2	2425	2440		
2013	Primary	400	plus postage for vote by mail		
	General	500			
	5 Poll Workers @ 100.00 per person	\$500.00	\$500.00	day of	may pay less if only counting.
		1400			
	250 printed ballots				
	30 absentee envelopes				
	provisional envelopes are included in the kits				

Subject: 2015 Municipal Election –Vote by Mail

Staff Presentation: Pamela Spencer

Utah Code 20A-3-302 states that an election officer may administer an election entirely by absentee ballot. If the election is entirely by absentee ballot, the election officer shall mail to each registered voter an absentee ballot with instructions and a business reply mail envelope.

The concept of an all vote by mail election has been implemented with great success by many municipalities and counties throughout the state. Statistics have shown an increase in voter turnout, and in some cases, reduced costs.

The Salt Lake County Elections Division encourages and recommends holding entire vote by mail elections to the municipalities within their jurisdiction. The Utah County Elections Division does not administer the elections for municipalities within their jurisdiction, leaving the task of coordinating and running the election, as well as recruiting and training poll workers up to each individual town/city.

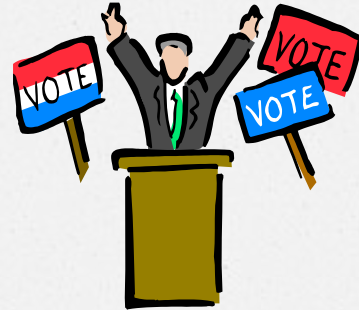
Conducting an all vote by mail election will create an easy, accessible method for each registered voter to complete their ballot in the comfort of their home and the convenience of just dropping it in the mail. A ballot box would be placed at the Town Office building accommodating easy drop off for voters either before or on Election Day.

Recommendation:

Staff recommends that the Town Council authorize that the 2015 Primary and General Municipal Elections be conducted as an entirely Absentee Ballot (Vote by Mail) Election.

Motion:

To authorize/not authorize that the 2015 Primary and General Municipal Elections be conducted as an entirely Absentee Ballot (Vote by Mail) Election.



Vote by Mail

Cameron Diehl – Attorney, Utah League of
Cities and Towns

Chip Dawson – Intergovernmental Affairs,
City of South Jordan

What is Vote by Mail?

- o Utah State Code § 20A-3-302, 605
- o The county/city prepares and mails a ballot to every **registered** voter
- o Voters can mail the ballot back for no cost or drop it off at designated locations
 - o Some VBM jurisdictions have an “election day voting center”
 - o Voter may submit their absentee ballot at center
 - o Voter may submit an incomplete absentee ballot at an election day voting center, declare it spoiled, & vote in person
 - o Voter must sign the ballot for it to count
- o County/city need not conduct early voting
- o County/city need not have an election day voting center

Voting Eligible Population turnout, 2012

- o Minnesota: 76.1%
 - o Small cities all vote by mail
- o Wisconsin: 73.2%
- o Colorado: 71.1%
 - o All elections are vote by mail
- o Washington: 65% (12th)
 - o All elections are vote by mail
- o Oregon: 64.3% (13th)
 - o All elections are vote by mail



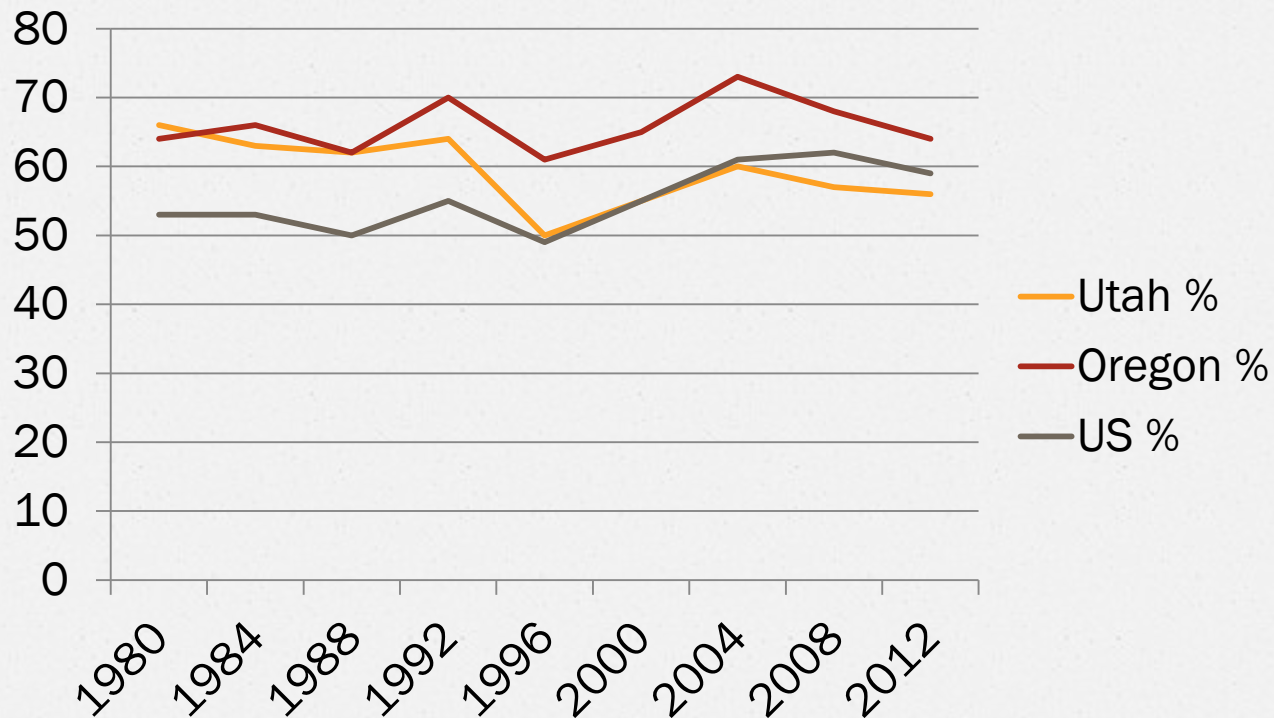
United States: 58%

Utah: 56% (39th)

(highest turnout in 20+ years)

1980s: Utah in top 10

By 2010, Utah in bottom 5



Who Voted by Mail in 2013?

- | | |
|----------------------|--------------|
| o West Jordan | Paragonah |
| o Cottonwood Heights | Manila |
| o Riverdale | Tropic |
| o Vernal | Wales |
| o Roosevelt | Kanarraville |
| o Moroni | Vernon |
| o Duchesne | Rockville |
| o Brian Head | Snowville |
| o New Harmony | Hideout |
| o Bryce Canyon | |

**WHO INCREASED TURNOUT?
EVERY CITY & TOWN**

Vote by Mail concepts

Supporters say:

- ◊ Turnout increase
- ◊ Reduced costs (polling place locations/workers)
- ◊ More time for voters to prepare their ballots
- ◊ No poll workers

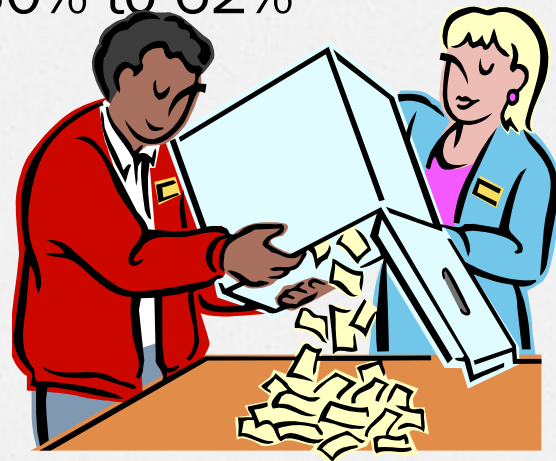
Critics say:

- ◊ Turnout impact
- ◊ Cost savings nullified by increased postage
- ◊ More susceptible to voter fraud
- ◊ More voting errors

Benefits to Vote by Mail – increased voter turnout

- o No bad weather concerns
 - o Every inch of rain above average on Election Day decreases turnout by 1%
- o **West Jordan** increased turnout from 14% to 35%
 - o Population 108,000; **150%** increase in voter turnout
- o **Moroni** increased turnout from 30% to 62%
 - o Population 1,429
 - o **106%** increase in voter turnout

All 19 Utah cities had an
Increase in turnout in 2013!



Benefits to Vote by Mail – decreased election costs

- o **Riverdale City (pop. 8,560) :**
 - o 2009: Paid \$19,410 for 24.02% turnout
 - o 2013: Paid \$12,504... for 47.85% VBM turnout
 - o **Doubled** turnout percentage while **saving** \$2,500!!!
- o **West Jordan City:**
 - o 2013: Saved \$24,000 (150% increase in turnout)

15 of 19 Utah cities saved money in 2013

4 of 19 Utah cities saw a slight increase in 2013

Potential concerns about Vote by Mail



- Voter fraud

Little evidence of VBM fraud in Oregon (VBM since 1981)

- Lost or tampered ballots

Can track ballot online

Submit ballots at election office or official drop site

- No poll workers to check signatures

Signature requirement on VBM ballot

Every signature verified

Potential concerns about Vote by Mail



- Mistakes on ballots
 - Undervotes or overvotes

Studies show VBM voters made fewer errors than in person voters

VBM voters can request new ballot

- Timing with voter registration timeline

TBD

- Voter coercion at home

Possible, but voter has more privacy & time to decide

Election Fraud in Utah & USA

(News 21)

o Utah

- o From 2000-2011, 51 cases of alleged election fraud in Utah
- o 0 cases of alleged VBM election fraud
- o 1.5 million reg voters
- o .000034%

o United States

- o From 2000-2011, 2,068 cases of alleged election fraud
- o 491 cases of alleged VBM election fraud
- o 146 million reg voters
- o .000014%

Consequences of Vote by Mail fraud



- o Falsifying a vote in a federal election = up to 5 years in prison and a \$10,000 fine
- o Willfully falsifying an absentee voter affidavit = Perjury (§20A-3-310)
- o Applying for a ballot in another's name = 3rd degree felony (§20A-3-505)
- o Little evidence of election fraud in Utah or USA
 - o From 2000-2011, 51 cases of alleged election fraud in Utah
 - o 1.5 million voters
 - o .000034%

Additional resources to learn about implementing Vote by Mail

- o <http://clerk.slco.org/elections/voteByMail.html>
- o <http://www.daviscountyutah.gov/clerkauditor/elections/absentee.cfm>
- o <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>



Utility	Year	Base Rate	Rate 1000/gal	Gallons Credit
Water	2015	\$23.48	\$1.18	8000
Sewer	2015	\$16.04	\$1.67	4000

RESOLUTION NO. 2015-05
Amending Resolution #2014-07

A RESOLUTION AMENDING THE TOWN FEES TO ADJUST THE WATER AND SEWER FEES

WHEREAS, Section 10-3-717 UCA authorizes towns to establish the amount of fees to be charged for municipal services to be set by resolution, and

WHEREAS, The Town Ordinances, in various locations, provides for the establishment of fee amounts for certain municipal services, by resolution of the Town Council.

WHEREAS, a meeting was held on the 25th day of March 2015 on the proposed amendment

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF VINEYARD, UTAH as follows:

That the Town of Vineyard Fee Schedule will be amended to set the water and sewer fees to:

Water Fee:	Base Rate for first 8,000 gallons	\$23.48
	Rate per additional 1,000 gallons	\$ 1.18
Sewer Fee:	Base Rate for first 4,000 gallons	\$16.04
	Rate per additional 1,000 gallons	\$ 1.67

PASSED BY THE TOWN COUNCIL OF VINEYARD, UTAH THIS 25th DAY OF
MARCH 2015

APPROVED:

Mayor Randy Farnworth

ATTEST:

Pamela Spencer, Town Clerk/Recorder